

## REMARKS

This submission is being made in connection with a Request for Continued Examination, filed herewith. Applicants respectfully request examination of the claims newly presented.

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### **The Claims Recite Allowable Subject Matter.**

Around the country many hundreds of private aircraft go underutilized because there is no cost-effective method of booking individual seats on flights that could conveniently take place in between previously-booked charter flights. Instead, private aircraft owners must rely on agents who book aircraft as entire units. If private aircraft owners were able to take advantage of bidding systems similar to those that are available for commercial airliners, significant efficiencies could result.

Embodiments of the present invention take advantage of underutilized private aircraft by providing a business method and system by which private aircraft owners may post a flight availability, and individual passengers may bid for seats on private aircraft. When enough passengers make it cost-effective for a given private aircraft to fly a proposed route instead of sitting idle, the passenger's bids are accepted and the private aircraft is scheduled to fly the proposed route.

Pending claims 129-141 are directed to features of this business method and recite subject matter not found in the cited references. In particular, no cited reference teaches reserving a private aircraft based upon the acceptance of a selected number of reservation bids received from independent passengers, where the selected bids collectively satisfy a predetermined set of reservation criteria.

In the Office Action mailed November 28, 2003, as well as in the Advisory Action mailed March 3, 2004, the Examiner has contended that U.S. Patent No. 6,085,169 to Walker, et al. ("Walker") teaches a conditional purchase offer (CPO) "where it is determined whether a flight is likely to depart with empty seats and it [sic] if not, the flight is terminated" Advisory Action at 3 (citing *Walker* at 23:59 to 24:13). Respectfully, the Applicant asserts that the Examiner's reliance on *Walker* is misplaced. *Walker* does not teach terminating a flight if there are empty seats, as the Examiner suggests. Indeed, *Walker* does not terminate flights at all. Instead, *Walker* simply teaches that if a flight is not likely to depart with empty seats, *Walker's* reservation algorithm terminates. This is because *Walker's* invention is not designed to handle flights that must be filled with passengers. Instead, *Walker's* invention appears to be a method for selling discount seats on scheduled flights that will fly whether or not the airplane is full of passengers.

That is, *Walker* attempts to maximize profits on existing, scheduled flights. On the other hand, the present invention does almost the opposite. Embodiments of the present invention, recited as specific features of the claims, provide means by which passengers may submit bids to fly on an idle private airplane, and a scheduling system may determine whether there are enough passengers to justify reserving the airplane for a flight that did not exist until the reservation system combined the wishes of a plurality of individuals with the private airplane owner's desire to make money during the airplane's idle time. The present invention reserves a private aircraft when a sufficient number of independent passenger bids have been received that collectively satisfy a predetermined set of reservation criteria. None of the cited references teach or suggests this limitation, either separately or in combination. For at least this reason, the Applicant respectfully submits that claims 129-141 are patentable and should be allowed.

### Conclusion

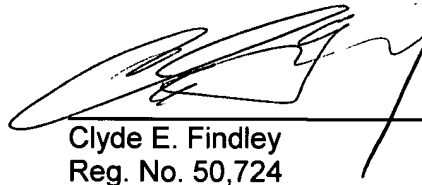
The Applicants respectfully submit that the application is in condition for allowance. Favorable action is earnestly solicited. The Commissioner is authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4200 to discuss any aspect of the application.

Respectfully submitted,

Date:

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